

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re: § Chapter 11

PERMICO MIDSTREAM PARTNERS § Case No. 20-32437 (MI)
HOLDINGS, LLC, *et al.*, § (Jointly Administered)

Debtors.¹ §

**FIFTH STIPULATION AND AGREED ORDER EXTENDING BAR DATE TO
FILE A PROOF OF CLAIM FOR EDGEN MURRAY CORPORATION**

William R. Greendyke, the court-appointed chapter 11 trustee (the “Trustee”) for Permico Midstream Holdings, LLC and Permico Midstream Partners LLC (the “Debtors”) and Edgen Murray Corporation (“Edgen”, and together with the Trustee, the “Parties”) hereby enter into this stipulation and agreed order (this “Stipulation and Agreed Order”) as follows:

WHEREAS, on May 4, 2020 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”);

WHEREAS, the Bankruptcy Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334; this matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue is proper pursuant to §§ 1408 and 1409;

WHEREAS, on May 12, 2020, the Bankruptcy Court entered its *Order for Appointment of Chapter 11 Trustee* (the “Trustee Order”) [Dkt. No. 33];

WHEREAS, on May 18, 2020, the Office of the United States Trustee (the “U.S. Trustee”) filed a *Notice of Appointment of Chapter 11 Trustee* and corresponding *Application for Order*

¹ The Debtors in these chapter 11 cases and the last four digits of their federal tax identification numbers are as follows: Permico Midstream Partners Holdings, LLC (6374) and Permico Midstream Partners LLC (7902). The location of the Debtors’ corporate headquarters and service address is 9301 Southwest Freeway, Suite 308, Houston, TX 77074.

Approving Appointment of Chapter 11 Trustee, seeking the approval of Mr. Greendyke to serve as the Chapter 11 Trustee in these cases [Dkt. Nos. 36 & 37];

WHEREAS, on May 22, 2020, the Bankruptcy Court entered its *Order Approving Appointment of Chapter 11 Trustee in the Jointly Administered Permico Midstream Partners Holdings, LLC Cases* [Dkt. No. 44], approving the appointment of Mr. Greendyke as Chapter 11 Trustee;

WHEREAS, on June 2, 2020, Edgen filed its *Plaintiff's Original Complaint for Declaratory Relief*, commencing an adversary proceeding against the Trustee and defendant HGC Midstream INV LLC (“HGC”) [Adv. Proc. No. 20-03173];

WHEREAS, on June 18, 2020, the U.S. Trustee filed a *Notice of Chapter 11 Bankruptcy Case* [Dkt. No. 57], which, among other things, established an October 21, 2020 claims bar date for certain persons and non-governmental entities to file a proof of claim (the “Claims Bar Date”);

WHEREAS, on September 30, 2020, the Parties entered into a *Stipulation and Agreed Order Extending Bar Date to File a Proof of Claim for Edgen Murray Corporation* (the “First Stipulation”) [Dkt. Nos. 114 & 121] extending the Claims Bar Date for Edgen through and including December 21, 2020;

WHEREAS, on December 9, 2020, the Parties entered into a *Stipulation and Agreed Order Extending Bar Date to File a Proof of Claim for Edgen Murray Corporation* (the “Second Stipulation”) [Dkt. Nos. 144 & 145] further extending the Claims Bar Date for Edgen through and including February 19, 2020;

WHEREAS, on February 9, 2021, the Parties entered into a *Stipulation and Agreed Order Extending Bar Date to File a Proof of Claim for Edgen Murray Corporation* (the “Third

Stipulation” [Dkt. Nos. 190 & 191] further extending the Claims Bar Date for Edgen through and including April 23, 2021;

WHEREAS, on April 14, 2021, the Parties entered into a *Fourth Stipulation and Agreed Order Extending Bar Date to File a Proof of Claim for Edgen Murray Corporation* (the “Fourth Stipulation”) [Dkt. Nos. 224 & 227] further extending the Claims Bar Date for Edgen through and including June 7, 2021;

WHEREAS, on May 25, 2021, certain parties, including the Trustee and Edgen, entered into a Permico Mediation Settlement Plan Term Sheet (the “Settlement Plan Term Sheet”);

WHEREAS, the Parties desire to again extend the Claims Bar Date solely with respect to Edgen on order for the parties to implement the Settlement Plan Term Sheet.

IT IS THEREFORE STIPULATED, AGREED, AND ORDERED:

1. The foregoing recitals are hereby incorporated by reference into this Stipulation and Agreed Order.

2. The Claims Bar Date shall be extended solely to Edgen up through and including July 23, 2021; .

3. Nothing in this Stipulation and Agreed Order should be construed as an acknowledgement or admission that Edgen has any valid prepetition claims against the Debtors or their estates, or that the Debtors have any valid objections or defenses to any such prepetition claims. Any and all rights of the Parties in connection therewith are fully preserved.

4. This Stipulation and Agreed Order is without prejudice to the Parties seeking a further extension of the Claims Bar Date.

5. This Stipulation and Agreed Order constitutes the entire agreement between the Parties with respect to subject matter hereof and supersedes all prior discussions, agreements, and understandings, both written and oral, among the Parties with respect thereto.

6. This Stipulation and Agreed Order is not effective until it has been entered by the Bankruptcy Court.

7. The Bankruptcy Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Agreed Order, and the Parties hereby consent to such jurisdiction to resolve any dispute or controversies arising from or related to this Stipulation and Order.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2021

Marvin Isgur
United States Bankruptcy Judge

STIPULATED AND AGREED:

NORTON ROSE FULBRIGHT US LLP <u>/s/ Jason L. Boland</u> Jason L. Boland (SBT 24040542) Bob B. Bruner (SBT 24062637) Julie Goodrich Harrison (SBT 24092434) 1301 McKinney Street, Suite 5100 Houston, Texas 77010 Telephone: (713) 651-5151 Facsimile: (713) 651-5246 Email: jason.boland@nortonrosefulbright.com Email: bob.bruner@nortonrosefulbright.com Email: julie.harrison@nortonrosefulbright.com <i>Counsel to William R. Greendyke, Chapter 11 Trustee</i>	ALVAREZ STAUFFER BREMER PLLC <u>/s/ Graig J. Alvarez</u> Graig J. Alvarez (SBT 24001647) 815 Walker St., Suite 1450 Houston, Texas 77002 Telephone: (713) 351-0300 Facsimile: (713) 351-0320 Email: Graig.Alvarez@asb-lawfirm.com LOWENSTEIN SANDLER LLP Jeffrey D. Prol jprol@lowenstein.com Bruce S. Nathan bnathan@lowenstein.com 1251 Avenue of the Americas, 17th Floor New York, New York 10020 <i>Counsel to Edgen Murray Corporation</i>
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